

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SN SERVICING CORPORATION,

Plaintiff,

v.

WESTERN BANCORP,

Defendant.

Case No.14-cv-04978-NC

**ORDER TO SHOW CAUSE RE:
NECESSARY PARTY**

The Court has reviewed the parties' August 10, 2015, joint case management statement. Dkt. No. 42. Defendant Western Bancorp suggests that non-party Seneca Mortgaging Services, LLC is the injured party, not SN Servicing Corporation.

Federal Rule of Civil Procedure Rule 19(a) provides,

(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

(A) in that person's absence, the court cannot accord complete relief among existing parties; or

(B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

(i) as a practical matter impair or impede the person's ability to protect the interest; or

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1 (ii) leave an existing party subject to a substantial risk of incurring
2 double, multiple, or otherwise inconsistent obligations because of the
3 interest.

4 Additionally, the Ninth Circuit interprets Rule 19 to require joinder even when there
5 is no cause of action between plaintiff and a party sought to be joined. *E.E.O.C. v.*
6 *Peabody W. Coal Co.*, 400 F.3d 774, 781 (9th Cir. 2005). If “[j]oinder is necessary for the
7 ‘sole purpose’ of effecting complete relief between the parties,” then the Court must order
8 joinder of the required party. *Id.* at 781.

9 Therefore, SN Servicing must explain why Seneca Mortgaging Services, LLC is not
10 a necessary party in this action by August 17, 2015. If Western Bancorp wishes, it may
11 also explain by August 17, 2015, why it would support or oppose court-ordered joinder of
12 Seneca Mortgaging Services, LLC. The parties should be prepared to discuss the issue
13 further at the August 19, 2015, case management conference.

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15 **IT IS SO ORDERED.**

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17 Dated: August 11, 2015

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20 NATHANAEL M. COUSINS
21 United States Magistrate Judge
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